

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/475,962	PENNISI, JR, FRANK JOSEPH	
	Examiner Beth Van Doren	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to communications received 1/29/2007.
2.  The allowed claim(s) is/are 1,6,9-17,22,25-33 and 38.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

1. The following statement of reasons for allowance is in response to the after-final communications 01/29/2007. Claims 1, 6, 9-17, 22, 25-33, and 38 were amended. Thus, claims 1, 6, 9-17, 22, 25-33, and 38 are currently pending and allowed. The current action includes an Examiner's Reasons for Allowance.

### *Reasons for Allowance*

2. Claims 1, 6, 9-17, 22, 25-33, and 38 are allowed.

3. The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach, *inter alia*, calculating a zone workload signal for the delivery date corresponding to a workload value for the delivery date, the workload value equaling (the respective number of used delivery slots including slots filled from the respective order approved by the buyer)/(the respective zone maximum number of delivery vehicle slots), predicting capacity utilization of the goods delivery system for a time frame based on the workload value calculated for each delivery date of a predetermined number of days preceding the timeframe, and storing the predicted capacity utilization for the time frame in the electronic manifest.

The prior art references most closely resembling the Applicant's claimed invention are Hunt et al. (U.S. 5,835,716), Mowery (U.S. 5,983,198), Silver et al. (Inventory Management and Production Planning and Scheduling).

Hunt et al. discloses a brokering system that is an intermediary between shippers and carriers that have listed space. Hunt et al. discloses trying to meet capacity requirements of a truck before allowing the truck to deliver goods. Hunt et al. discloses that the amount of open

capacity for a geographic zone is defined for a delivery agent/carrier. The maximum capacity of a carrier is stored in the system. Thereafter, the available capacity of a carrier can be determined with respect to this maximum capacity. An order can be shipped on a carrier when there is capacity available. Thus, a user queries the system for available dates (based on used capacity) and shipping rates, and then a selected date is chosen and approved by the user. The user's shipment is then used to update the available capacity of the carrier. However, Hunt et al. does not specifically teach calculating a zone workload signal for the delivery date including a workload value equaling (the respective number of used delivery slots including slots filled from the respective order approved by the buyer)/(the respective zone maximum number of delivery vehicle slots) or predicting capacity utilization of the goods delivery system for a time frame based on the workload value calculated for each delivery date of a predetermined number of days preceding the timeframe.

Silver et al. teaches a full truckload application that uses a service point approach. A customer places an order from a distributor. Workload utilization is calculated and a capacity flag is set for the truckload. When the truckload amount is greater than the workload usage, then the truckload is sent and the order is placed. When the truckload amount is less than the workload usage, the order waits until more capacity is filled. However, Silver et al. does not specifically teach calculating a zone workload signal for the delivery date including a workload value equaling (the respective number of used delivery slots including slots filled from the respective order approved by the buyer)/(the respective zone maximum number of delivery vehicle slots), predicting capacity utilization of the goods delivery system for a time frame based on the workload value calculated for each delivery date of a predetermined number of days

preceding the timeframe, or storing the predicted capacity utilization for the time frame in the electronic manifest.

Mowery et al. teaches a system that automates the delivery of goods to users in a geographic area. The system optimizes the routes, delivery amounts, and delivery schedule for the carrier based on the demand of users in a geographic area. The timing of a delivery is also based on the available capacity and utilization of trucks. However, Mowery et al. does not specifically teach a workload value for each delivery date equaling (the respective number of used delivery slots including slots filled from the respective order approved by the buyer)/(the respective zone maximum number of delivery vehicle slots), predicting capacity utilization of the goods delivery system for a time frame based on the workload value calculated for each delivery date of a predetermined number of days preceding the timeframe, or storing the predicted capacity utilization for the time frame in the electronic manifest.

4. Any comments considered necessary by the Applicant must be submitted by no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance".

#### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al. (U.S. 2004/0225507) and Smith et al. (U.S. 2003/0023465) are both delivery management systems that disclose delivery agents and delivery agent shipping capacity, to the same assignee of the current invention.

Sansone et al. (U.S. 5,072,401) teaches a postal/mail logistics system that considers the capacity of carriers on their routes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*bvd*  
bvd  
February 15, 2007

*Beth Van Doren*  
AU 3623  
Patent Examiner